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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Working Group on Contemporary
Forms of Slavery
Twenty-sixth session
11 - 15 June 2001

PROVISIONAL AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Trafficking in persons.

4. Review of the implementation of and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption and the consideration of international debt as factors promoting contemporary forms of slavery:

(a) Economic exploitation:

(i) Domestic and migrant workers;

(ii) Bonded labour and debt bondage;

(iii) Child labour;

(iv) Forced labour;

(b) Sexual exploitation:

(i) Sexual exploitation of children and activities of the Special rapporteur on the sale of children, child prostitution and child pornography.

6. Activities of the Special Rapporteur on violence against women.

7. Other forms of exploitation:

(a) Illegal activities of certain religious and other sects;

(b) Illegal and pseudo-legal adoptions aimed at exploitation of children;

(c) Traffic in human organs and tissues;

(d) Paedophilia;

(e) Miscellaneous: slavery-like practices in armed conflicts.

8. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

9. Adoption of the report of the Working Group on its twenty-sixth session to the Sub-Commission on the Promotion and Protection of Human Rights.

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COMMISSION ON HUMAN RIGHTS
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Working Group on Contemporary
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ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to paragraph 13 of resolution 1988/31 of the Sub-Commission

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/2001/1.

3. The programme of work of the Working Group for the period 1988-1999 included the following themes discussed in successive years: prevention of the sale of children, of the prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991); an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters. The Working Group also decided to work by themes and to seek

solutions and strategies, giving particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children (1992-1994). It decided to consider the issues of illegal adoptions, domestic workers and in particular girl children (1995); the World Congress Against Commercial Sexual Exploitation of Children; migrant workers, in particular women and girl domestic workers (1996), paedophilia and illegal activities of certain religious and other sects; corruption and international debt as promoting factors of contemporary forms of slavery (1997-1998); trafficking in persons, in particular women and children (1999); and the issue of bonded labour and debt bondage (2000). The Working Group agreed that special attention should be devoted to domestic and migrant workers at each session.

4. At its twenty-fourth session (1999), the Working Group decided to devote its twenty-sixth session (2001) to the issue of trafficking in persons. Consequently, and in line with the practice adopted at its previous sessions, the Working Group decided to reorganize its provisional agenda slightly in order to reflect this priority. Therefore, the item on trafficking in persons became the third item on the agenda.

3. Suppression of the traffic in persons and the exploitation of the prostitution of others

5. Relevant Sub-Commission resolutions regarding this issue are 6 B (XXXI) of 13 September 1978; 1987/31; 1988/31; 1990/30; 1991/115 and 1992/3.

6. Relevant Economic and Social Council resolutions relating to this item are 1980/4; 1981/40; 1982/20; 1983/30; 1989/74; 1990/46; 1991/35; 1992/10; 1993/48.

7. In its resolution 1991/37, the Sub-Commission endorsed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery at its sixteenth session (E/CN.4/Sub.2/1991/41, annex I).

8. The Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Sub-Commission on the need to launch concerted action to combat the traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments.

9. Upon the request of the Commission, the Secretary-General submitted reports (E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71 and Add.1) containing summaries of the comments received to the Commission at its forty-ninth and fiftieth sessions. No action was taken by the Commission at those sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

10. In its resolution 1994/5, the Sub-Commission recommended that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action. The Commission, in its resolution 1995/27, requested the

Sub-Commission at its forty-seventh session to review the draft programme of action in the light of comments already received or to be received and to submit to the Commission at its fifty-second session a final draft for approval.

11. In its resolutions 1995/25, 1996/24, 1997/19, 1999/40, 2000/44 and 2001/48, the Commission drew the attention of the Working Group to the problem of the traffic in women and girl children.

12. At its twentieth session, and in accordance with paragraph 13 of Commission resolution 1995/27, the Working Group reviewed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of comments received.

13. In its resolution 1995/16, the Sub-Commission transmitted to the Commission the revised draft programme of action for adoption. In its resolution 1996/61, the Commission on Human Rights approved the draft programme of action as contained in document E/CN.4/Sub.2/1995/28/Add.1, while noting differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material.

14. In its resolutions 1996/12, 1997/22, 1998/19 and 1999/17, the Sub-Commission requested the Secretary-General to invite all States to report periodically on measures adopted to implement the Programme of Action and the effectiveness of such measures. No replies were received.

15. In its resolutions 1999/40 and 2000/44, the Commission requested the Secretary-General to provide the Commission, at its fifty-sixth and fifty-seventh sessions, with a report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. In accordance with that request, the Commission had before it documents E/CN.4/2000/66 and E/CN.4/2001/72 and Corr.1, respectively.

16. In its resolution 2001/48, the Commission requested the Secretary-General to provide the Commission, at its fifty-eighth session, with an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls.

17. The Working Group devoted its twenty-fourth session (1999) to the question of trafficking in women and girls. An NGO seminar was held prior to the session which submitted recommendations to the Working Group. The Working Group decided to devote priority attention again to the issue of trafficking in persons at its twenty-sixth session (2001).

4. Review of the implementation of and follow-up to the conventions on slavery

(a) Status of the conventions

18. The Commission on Human Rights, in its resolution 1994/25, and the Sub-Commission, in its resolution 1993/5, requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave

Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974.

19. Information relating to the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/2001/2 and E/CN.4/Sub.2/AC.2/2001/3, respectively).

(b) Review of information received regarding the implementation of the conventions and programmes of action

(i) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

20. The Commission on Human Rights, in its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and decided to examine the question of the implementation of the Programme of Action by all States every two years. To that end, the Commission requested the Sub-Commission to submit to it a report on the status of implementation of the Programme of Action. The Sub-Commission, in its resolutions 1992/2, 1994/5, 1996/12 and 1998/19, requested the Secretary-General to invite all States to inform the Sub-Commission of the measures adopted to implement the Programme of Action. Information submitted by States regarding the implementation of the Programme of Action was made available to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/31 and Add.1), at its forty-seventh session (E/CN.4/Sub.2/1995/29 and Add.1), at its forty-ninth session (E/CN.4/Sub.2/1997/11) and at its fifty-first session (E/CN.4/Sub.2/1999/15) and to the Commission at its fiftieth, fifty-second, fifty-fourth and fifty-sixth sessions.

21. In its resolution 2000/19, the Sub-Commission requested the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography; the Stockholm Declaration on Commercial Exploitation of Children and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other related developments, and report thereon to the Sub-Commission at its fifty-third session and to the Commission at its fifty-eighth session (para. 80). At its present session, the Working Group will have before it the report of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/2001/4).

(ii) Programme of Action for the Elimination of the Exploitation of Child Labour

22. The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in the annex to its resolution 1993/79 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels. Furthermore, the Commission requested the Sub-Commission to submit every two years a progress report on the implementation of the Programme of Action by all States.

23. In its resolutions 1993/5, 1995/16, 1997/22 and 1999/17, the Sub-Commission requested the Secretary-General to report to the Sub-Commission at its forty-sixth, forty-eighth, fiftieth and fifty-second sessions and to the Commission at its fifty-first, fifty-third, fifty-fifth and fifty-seventh sessions on the implementation by States of the Programme of Action. The reports of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/1994/34, E/CN.4/Sub.2/1996/25, E/CN.4/Sub.2/1998/12 and E/CN.4/Sub.2/2000/22) were submitted to the Sub-Commission and the Commission.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the consideration of corruption and international debt as promoting factors of contemporary forms of slavery

24. All information received by the Secretary-General relating to the various questions to be considered under item 5 of the provisional agenda will be available in document E/CN.4/Sub.2/AC.2/2001/4.

25. At its twenty-second session, the Working Group decided to review its agenda and to categorize the types of exploitation. It also decided to pay particular attention, when considering the items on its provisional agenda, to the question of corruption as a factor encouraging exploitation. In that regard, in its resolution 1998/19, the Sub-Commission urged States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes. Furthermore, the Working Group decided to examine the question of international debt as another factor promoting exploitation.

(a) Economic exploitation

(i) Domestic and migrant workers

26. The Commission on Human Rights, in its resolutions 1989/35, 1990/63, 1991/58, 1992/47, 1993/27, 1994/25, 1995/27, 1996/61, 1997/20 and 1999/46, invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups such as children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve those objectives.

27. Reference is made to General Assembly resolutions 49/175, 53/137, 54/158 and 55/88 and Commission on Human Rights resolutions 1995/21, 1999/45, 2000/49 and 2001/53, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". In its resolutions 1994/5, 1995/16, 1996/12, 1997/22, 1998/10, 1999/17 and 2000/19, the Sub-Commission urged States to ratify the Convention, which was adopted by the General Assembly in its resolution 45/148.

28. In its resolutions 2000/48 and 2001/52, entitled "Human rights and migrants", the Commission encouraged Member States that had not yet done so to enact domestic legislation to combat international trafficking and smuggling of migrants, which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking and smuggling.

(ii) Bonded labour and debt bondage

29. Sub-Commission resolutions relevant to bonded labour are 6 B (XXXI) of 13 September 1978; 8 (XXXIII) of 10 September 1980; 1982/15; 1985/25; 1988/31 and 1990/30.

30. In its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the study of Mr. Abdelwahab Bouhdiba on the exploitation of child labour (United Nations publication, Sales No. E.82.XIV.2) and to extend that study to the problem of debt bondage. The Sub-Commission, in its resolution 1993/5, decided to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur for that purpose. Moreover, the Sub-Commission decided to keep the question of debt bondage under consideration to assess the progress achieved, with a view to the elimination of that intolerable practice.

31. For further action taken on this subject by the Sub-Commission and by the Commission on Human Rights, see the section on child labour below.

(iii) Child labour

32. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Bouhdiba as Special Rapporteur with the preparation of a report on the exploitation of child labour. The Council endorsed that recommendation in its decision 1980/125.

33. The Sub-Commission, in its resolutions 1990/30, 1991/34 and 1992/2, requested the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's study and to extend that study to the problem of debt bondage. The Commission on Human Rights gave its authorization in decision 1993/112, endorsed by the Economic and Social Council in resolution 1993/48.

34. The Sub-Commission, in its resolution 1993/5, taking into account the above-mentioned decision of the Commission, decided to appoint Mrs. Warzazi as Special Rapporteur to update the study. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend new studies and related efforts, including the appointment of a special rapporteur on child labour.

35. The Sub-Commission, in its resolution 1994/5, recommended that the Commission on Human Rights at its fifty-first session endorse the appointment of Mrs. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage. In its resolution 1995/27, the Commission on Human Rights requested the Sub-Commission to give further consideration to the proposed appointment and to make the appointment subject to the submission of a preparatory document.

36. In its resolution 1996/12, the Sub-Commission decided to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour.

37. The Commission, in its resolutions 1997/20 and 1999/80, and the Sub-Commission, in its resolutions 1997/22 and 1999/17, called upon States that had not yet done so to consider ratifying the pertinent international instruments, including the Forced Labour Convention, 1930 (No. 29) and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization. In its resolution 1999/17, the Sub-Commission invited States to ratify in a timely manner the new Convention (No. 182) on the Worst Forms of Child Labour of the International Labour Organization.

38. The Sub-Commission, in its resolution 1998/19, 1999/17 and 2000/19 drew the attention of the international community to the gender aspect of child labour.

39. In its resolution 2000/19, the Sub-Commission invited Member States to provide information to the Working Group at its twenty-seventh session, in 2002, about measures taken to suppress or prevent debt bondage. (para. 20)

(iv) Forced labour

40. At each of its sessions, the Working Group has reaffirmed that forced labour is a contemporary form of slavery, expressed its concern at allegations that this practice has not yet been eliminated, and decided to continue to give consideration to this item at its next session.

(b) Sexual exploitation

41. In its resolutions 1998/19, 1999/17 and 2000/19, the Sub-Commission recommended that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children.

(i) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

42. Upon the recommendation of the Sub-Commission (resolution 1989/42), the Commission on Human Rights, in its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Commission requested the Special Rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations.

43. In its resolution 1991/53, the Commission on Human Rights welcomed the preliminary assessment by the Special Rapporteur of his tasks as contained in his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/51).

44. In its resolution 1991/54, the Commission requested the Special Rapporteur, on the basis of his experience, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, if possible by attending its meetings. The Sub-Commission, in its resolution 1991/34, requested the Special Rapporteur to pay increased attention to aspects relating to trafficking in children, especially trafficking with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts. This request was repeated in Sub-Commission resolution 1992/2. The Sub-Commission decided to transmit to the Special Rapporteur the information supplied to the Working Group on the above-mentioned subjects.

45. In its resolutions 1992/76, 1993/82 and 1994/92, the Commission on Human Rights welcomed the reports of the Special Rapporteur on the sale of children (E/CN.4/1992/55 and Add.1, E/CN.4/1993/67 and Add.1 and E/CN.4/1994/84 and Add.1) and endorsed his conclusions and recommendations concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography.

46. In its resolution 48/156, the General Assembly expressed its support for the work of the Special Rapporteur of examining all over the world the question of the sale of children, child prostitution and child pornography and invited him to continue providing attention to the economic, social, legal and cultural factors affecting those phenomena. The Assembly requested the Special Rapporteur to submit to it a provisional report at its forty-ninth session. In accordance with that request, the Special Rapporteur submitted his provisional report (A/49/478). In its resolution 49/210, the General Assembly welcomed the provisional report and requested the Special Rapporteur to submit another provisional report at its fiftieth session.

47. In its resolution 1995/79, the Commission on Human Rights, having considered the report of the Special Rapporteur submitted to the General Assembly at its forty-ninth session, decided to renew the mandate of the newly appointed Special Rapporteur (Mrs. Ofelia Calcetas-Santos, Philippines) for a further three years and invited her, inter alia, to cooperate closely with the Working Group on Contemporary Forms of Slavery.

48. In its resolutions 50/153, 51/77, 52/101, 53/128, 54/149 and 55/79, the General Assembly welcomed the reports submitted by the Special Rapporteur at its fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth and fifty-fifth sessions, respectively (A/50/456, A/51/456, A/52/482, A/53/311, A/54/411 and A/55/297).

49. In its resolutions 1996/85, 1997/78, 1998/76, 1999/80, 2000/85 and 2001/75, the Commission on Human Rights welcomed the reports submitted by the Special Rapporteur at its fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth and fifty-seventh sessions, respectively (E/CN.4/1996/100, E/CN.4/1997/95 and Add.1 and 2, E/CN.4/1998/101 and Add.1 and 2, E/CN.4/1999/71 and Add.1, E/CN.4/2000/73 and Add.1-3, E/CN.4/2001/78 and Add.1 and 2). In the course of her mandate, the Rapporteur undertook visits to the Czech Republic and the United States of America in 1996; Kenya and Mexico in 1997; Belgium and the Netherlands in 1998; Guatemala and Fiji in 1999; and Morocco and the Russian Federation in 2000. In resolution 2001/75 the Commission also decided to renew the mandate of the Special Rapporteur for a further three years.

6. Activities of the Special Rapporteur on violence against women

50. In its resolution 1994/45, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and consequences. Subsequently, Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur.

51. The Special Rapporteur submitted her preliminary report to the Commission at its fifty-first session (E/CN.4/1995/42). In accordance with Commission resolution 1995/85, she submitted her first report (E/CN.4/1996/53 and Add.2) to the Commission. Ms. Coomaraswamy undertook a visit to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery during wartime (E/CN.4/1996/53/Add.1).

52. In its resolutions 1997/44, 1998/52, 1999/42 and 2000/45, the Commission welcomed the reports submitted by the Special Rapporteur (E/CN.4/1997/47 and Add.1-4; E/CN.4/1998/54 and Add.1, E/CN.4/1999/68 and Add.1-4 and E/CN.4/2000/68 and Add.1-5). In the course of her mandate, the Special Rapporteur undertook country visits to Poland, Brazil and South Africa in 1996-1997; Rwanda in 1997; the United States of America, Liechtenstein, Indonesia and East Timor in 1998; and Cuba, Haiti, Afghanistan and Pakistan in 1999-2000.

53. In its resolution 2001/49, the Commission took note with appreciation of the report of the Special Rapporteur (E/CN.4/2001/73/Add.1 and 2). The Special Rapporteur undertook country visits to Bangladesh, Nepal and India.

7. Other forms of exploitation

(a) Illegal activities of certain religious and other sects

54. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session. At its subsequent sessions, the Working Group decided to continue to give consideration to this item at its next session.

(b) Illegal and pseudo-legal adoptions aimed at the exploitation of children

55. At its twentieth session, the Working Group decided to include this item in the provisional agenda for its twenty-first session. At its subsequent sessions, the Working Group decided to continue to give consideration to this issue at its next session.

56. In its resolutions 1996/12, 1997/22 and 1999/17, the Sub-Commission urged States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

(c) Traffic in human organs and tissues

57. In its resolution 1987/32, the Sub-Commission drew the attention of the Commission on Human Rights to the recommendation of the Working Group on Contemporary Forms of Slavery that the report of the Secretary-General on the sale of children (E/CN.4/Sub.2/1987/28) be given a deeper and broader accent, including matters relating to organ transplant and the foetus trade.

58. These matters were briefly referred to in two further reports on the sale of children prepared by the Secretary-General (E/CN.4/1988/30, paras. 31 and 34; E/CN.4/Sub.2/1989/38, paras. 30, 31 and 34). More substantial study of the issue was undertaken by the Special Rapporteur of the Commission on Human Rights, Mr. V. Muntarbhorn, in his reports on the sale of children (E/CN.4/1991/51, paras. 23-25; E/CN.4/1992/55, paras. 102-108 and 311; E/CN.4/1992/55/Add.1, paras. 28, 29 and 44 (b); E/CN.4/1993/67, paras. 100-127; E/CN.4/1994/84 and Add.1, paras. 100-113 and paras. 44-46 and A/49/478, paras. 84-98). The issue was also referred to by the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calcetas-Santos, in reports she submitted to the General Assembly (A/50/456, paras. 49-50) and to the Commission on Human Rights (E/CN.4/1996/100, paras. 41-48).

59. The Sub-Commission, at its forty-fourth session, requested the Secretary-General, in its resolution 1992/2, to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization, to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract that practice wherever it existed, with a view to presenting a report to the Working Group at its

eighteenth session. This request was repeated in Sub-Commission resolutions 1993/5 and 1994/5 and the Secretary-General submitted reports to the Working Group at its nineteenth and twentieth sessions (E/CN.4/Sub.2/AC.2/1994/8 and E/CN.4/Sub.2/AC.2/1995 6, respectively).

60. The Sub-Commission repeated its request in resolution 1995/16. Consequently, the Secretary-General submitted a report (E/CN.4/Sub.2/AC.2/1996/4) to the Working Group at its twenty-first session. In the same resolution, the Sub-Commission recommended that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes.

61. In its resolution 1996/61, the Commission on Human Rights requested the Secretary-General to examine the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes. In accordance with that resolution, a note by the Secretary-General was submitted to the Commission at its fifty-third session (E/CN.4/1997/78).

62. In its resolution 1997/20, the Commission on Human Rights requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include, in an updated report, an analysis of this question, to be submitted at its fifty-fifth session. In its resolution 1997/22, the Sub-Commission welcomed Commission resolution 1997/20.

63. In its resolution 1999/46, the Commission on Human Rights noted that the Secretary-General had not yet received any information about the reliability of allegations regarding the removal of organs and tissues of children and adults and, in order to enable the Commission to examine this question, it again requested the Secretary-General to seek information among relevant specialized agencies, working closely in particular with the Advisory Committee on Health Research of the World Health Organization and the International Criminal Police Organization, and to include an analysis of the information received in an updated report to be submitted to the Commission at its fifty-sixth session. In accordance with that resolution, a note by the Secretary-General, noting the absence of information, was submitted to the Commission at its fifty-sixth session (E/CN.4/2000/78).

(d) Paedophilia

64. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session. At its subsequent sessions, the Working Group decided to continue consideration of this item.

(e) Miscellaneous

Early marriages

65. At its nineteenth, twentieth and twenty-first sessions, the Working Group took note of information provided on the issue of early marriages. At its twenty-second session, the Working Group decided to biennialize the consideration of this item.

Detained juveniles

66. In its resolutions 1999/80 and 2000/85, the Commission reaffirmed the need to ensure that every child alleged to have or recognized as having infringed the penal law was treated with dignity in accordance with the principles and relevant provisions of the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, expressed deep concern, inter alia, about cases of children prosecuted without taking into account their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment contrary to accepted international standards and, in that regard, called upon States to take all the necessary measures to protect children from those practices.

Slavery during wartime

67. In its resolution 1993/24, the Sub-Commission decided to entrust Ms. Linda Chavez as special rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict. The Commission on Human Rights, in its decision 1994/103 requested the Sub-Commission to reconsider its decision.

68. The Sub-Commission, in its decision 1994/109, decided to invite Ms. Chavez to submit, without financial implications, a working paper on the issue at its forty-seventh session. In accordance with that request, Ms. Chavez submitted a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime including internal armed conflict (E/CN.4/Sub.2/1995/38).

69. In its decision 1996/107, the Commission on Human Rights, at its fifty-second session, endorsed the decision of the Sub-Commission to appoint Ms. Chavez Special Rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

70. In its resolution 1996/11, the Sub-Commission welcomed the preliminary report submitted by the Special Rapporteur (E/CN.4/Sub.2/1996/26) and requested her to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38).

71. In its decision 1997/114, the Sub-Commission took note of the letter from Ms. Chavez in which she informed the High Commissioner of her resignation as Special Rapporteur and her inability to submit the final report, and decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

72. In its resolution 1998/18, the Sub-Commission, welcoming with great interest the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict (E/CN.4/Sub.2/1998/13), requested that the Special Rapporteur's mandate be extended for another year and that Ms. McDougall, as Special Rapporteur, submit an update on recent developments with respect to her mandate to the

Sub-Commission at its fifty-first session under the agenda item entitled "Contemporary forms of slavery". In its decision 1999/105, the Commission approved the decision of the Sub-Commission to extend the mandate of the Special Rapporteur for a further year.

73. In its resolution 1999/16, the Sub-Commission requested the Special Rapporteur to submit to the Sub-Commission at its fifty-second session a report containing the updated information with a view to wide distribution. In accordance with that request, the Special Rapporteur submitted such an update (E/CN.4/Sub.2/2000/21).

74. In its resolution 2000/13, the Sub-Commission welcomed the update to her final report of the Special Rapporteur and called upon the High Commissioner for Human Rights to monitor the implementation of the resolution and to report to the Sub-Commission at its fifty-third session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status and implementation of the recommendations made by the Special Rapporteur (para. 3). In accordance with that request, the High Commissioner will submit her report to the Sub-Commission at its forthcoming session.

Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

75. The General Assembly, in its resolution 48/156, requested the Commission on Human Rights to consider, at its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of guidelines, in close contact with the Special Rapporteur, for a possible draft optional protocol on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating those serious problems.

76. In accordance with Commission resolutions 1994/90, 1995/78, 1996/85, 1997/78, 1998/76 and 1999/80, the working group held six sessions: (E/CN.4/1995/95; E/CN.4/1996/101; E/CN.4/1997/97; E/CN.4/1998/103; E/CN.4/1999/74; E/CN.4/2000/75).

77. The Commission, in its resolution 2000/59, adopted the text of the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as contained in annex B to the resolution, and transmitted it, through the Economic and Social Council, to the General Assembly for approval. In its resolution 54/263, the Assembly adopted the Optional Protocol which, at time of writing, was ratified by 3 States and signed by 72.

Sex tourism

78. In its resolutions 1998/19, 1999/17 and 2000/19, the Sub-Commission recommended that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape.

Child soldiers

79. In its resolution 55/79, the General Assembly welcomed the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/55/442) and in its resolution 2001/75, the Commission took note with appreciation of the report of the Special Representative to the Commission (E/CN.4/2001/76).

80. The Commission, in its resolution 1994/91, recommended that the Economic and Social Council authorize an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The working group used as a basis for discussion the preliminary draft optional protocol on the involvement of children in armed conflicts prepared by the Committee on the Rights of the Child (E/CN.4/1994/91).

81. The working group held six sessions (E/CN.4/1995/96, E/CN.4/1996/102, E/CN.4/1997/96, E/CN.4/1998/102, E/CN.4/1999/73, E/CN.4/2000/74).

82. In its resolution 2000/59, the Commission adopted the text of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict contained in annex A to the resolution. The Optional Protocol, which was adopted by the General Assembly in its resolution 54/263, at the time of writing had been ratified by 4 States and signed by 79.

Organization of work

83. In its resolution 1991/34, the Sub-Commission requested the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the month of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden that placed on the Secretariat, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions. This request was approved by the Commission on Human Rights in its decision 1992/115.

84. The Economic and Social Council, in its resolution 1993/48, approved the endorsement by the Commission on Human Rights in resolution 1993/27 of the recommendation made by the Sub-Commission, in its resolution 1992/2, that the arrangements regarding the organization of the session of the Working Group, as contained in Commission decision 1992/115, be repeated in subsequent years.

85. In its decision 2000/109, the Commission adopted the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) adopted by consensus by the Working Group on 11 February 2000. The Commission recommended to the Economic and Social Council for adoption draft decision 3, which reads as follows: "The Economic and Social Council, taking

note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to reduce the duration of the annual meeting of the Working Group on Contemporary Forms of Slavery of the Sub-Commission to five working days from the present eight days."

86. By its decision 2000/284, the Economic and Social Council endorsed Commission decision 2000/109.

8. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

87. The Voluntary Trust Fund on Contemporary Forms of Slavery was established pursuant to General Assembly resolution 46/122 of 17 December 1991 for the purpose of assisting representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. The Fund is administered in accordance with the financial regulations of the United Nations by the Secretary-General, with the advice of a Board of Trustees. The Fund can receive voluntary contributions from Governments, non-governmental organizations and other private or public entities.

88. The Board of Trustees held its sixth session from 22 to 26 January 2001. During the session, the Board reviewed narrative and financial reports on the use of grants paid in 1999 and 2000. Upon the recommendations made by the Board, on 30 January 2001, the High Commissioner for Human Rights approved, on behalf of the Secretary-General, expenditure of about US$ 26,000 for travel grants and about US$ 150,000 for project grants. Taking into consideration the requests received in 2001, and also that the Board recommended for expenditure almost all the money available at its sixth session, in order to be able to fulfil its mandate satisfactorily next year, in the Board's view the Fund would need new voluntary contributions totalling US$ 400,000 before the seventh session of the Board in 2002. The recommendations adopted and updated information on the Fund are available in document E/CN.4/2001/82/Add.1.

9. Adoption of the report of the Working Group to the Sub-Commission on the Promotion and Protection of Human Rights

89. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.

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Sub-Commission on the Promotion and
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Working Group on Contemporary
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Twenty-sixth session
11-15 June 2001
Item 4 (a) of the provisional agenda

REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

STATUS OF THE CONVENTIONS

Note by the Secretary-General

1. As at 19 March 2001, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery had been ratified or acceded to by the following 118 States: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Central African Republic, Chile, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania,

Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yugoslavia, Zambia, Zimbabwe.

2. The Supplementary Convention had been signed by El Salvador, Liberia and Peru.

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Item 4 (a) of the provisional agenda

REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

STATUS OF THE CONVENTIONS

Note by the Secretary-General

1. At 19 March 2001, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others had been ratified or acceded to by the following 73 States: Afghanistan, Albania, Algeria, Argentina, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Guinea, Haiti, Honduras, Hungary, India, Iraq, Israel, Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Luxembourg, Malawi, Mali, Mauritania, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Ukraine, Venezuela, Yemen, Yugoslavia, Zimbabwe.

2. The Convention had been signed by Denmark, Iran (Islamic Republic of), Liberia and Myanmar.

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Items 3, 5, 6 and 7 of the provisional agenda

TRAFFICKING IN PERSONS

REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING THE STRUGGLE AGAINST CORRUPTION AND THE CONSIDERATION OF INTERNATIONAL DEBT AS PROMOTING FACTORS OF CONTEMPORARY FORMS OF SLAVERY

ACTIVITIES OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

OTHER FORMS OF EXPLOITATION

Report of the Secretary-General

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Introduction

1. By its resolution 2000/19, the Sub-Commission for the Promotion and Protection of Human Rights, requested the Secretary-General to submit information on various slavery-related issues.

2. Pursuant to this resolution, the Secretary-General, on 15 December 2000, addressed requests to Governments and concerned intergovernmental and non-governmental organizations for information.

3. As of 7 May 2000, replies had been received from the Governments of Bahrain, Japan, Latvia and the Russian Federation.

4. Replies were also received from the Food and Agriculture Organization of the United Nations and the International Labour Office.

5. Information was also received from Pax Christi and Save the Children.

6. The present report contains the substantive replies received.

I. INFORMATION RECEIVED FROM GOVERNMENTS

Bahrain

[Original: Arabic]
[16 January 2001]

1. The State of Bahrain is not suffering from the phenomenon of child labour or the exploitation of children in any manner whatsoever. In fact, the State provides all the facilities and services needed to encourage children to continue their education until they reach the legal age for employment.

2. The Private Sector Employment Act promulgated in Legislative Decree No. 23 of 1976 contains a separate section (section VIII) on the employment of juveniles, article 50 of which prohibits the employment of persons of either sex under 14 years of age. Article 51 permits the employment of juveniles from 14 to 16 years of age on the following conditions:

(a) Authorization must be obtained from the Ministry of Labour and Social Affairs;

(b) They must undergo a medical examination to ensure their physical fitness before their entry into service and at periodic intervals thereafter. Their fitness is attested in a certificate the form of which is determined by the Minister of Health in agreement with the Minster for Labour and Social Affairs;

(c) They must not be employed in industries and occupations, designated by the Minister of Health in agreement with the Minister for Labour and Social Affairs, which are hazardous or harmful to their health.

3. In 1998, the State of Bahrain ratified Arab Labour Convention No. 18 concerning the employment of juveniles, to the provisions of which we are committed.

4. The Cabinet recently approved the State of Bahrain's ratification of International Labour Convention No. 182 prohibiting the worst forms of child labour and we will send you a copy of the Amiral Decree ratifying that Convention as soon as it is promulgated.

Japan

[Original: English]
[3 May 2001]

Japan submitted its country report for the meeting on the Asian regional initiative against trafficking in women and children, as follows:

I. PRESENT SITUATION OF SMUGGLING OF AND TRAFFICKING IN PERSONS IN JAPAN

1. The Immigration Bureau of the Ministry of Justice of Japan estimates that the number of illegal foreign nationals overstaying in Japan was 268,421 as of 1 July 1999, a 10 per cent decline from 298,646 as of 1 May 1993, which is the worst record. On the other hand, the cases of collective stowaways by sea from neighbouring countries such as China, or illegal entry using elaborately forged or altered travel documents are rapidly increasing. The number of illegal foreign nationals who were subject to deportation procedures due to illegal entry averaged 500 a year from 1985 to 1987, but gradually increased and reached 7,472 in 1998. There are activities of transnational criminal organizations behind the increase. Their smuggling techniques are becoming more and more sophisticated. For example, they introduce deferred payment systems of commission for smuggling to increase their clients, make secret rooms in the ships used for collective stowaways, change ships to fishing boats on the sea to escape investigation, and so on. They commit vicious crimes like murder, abduction, etc. due to trouble with the collection of the commission for smuggling, which is said to be 3 million yen. The police and the Maritime Safety Agency of Japan arrested 1,360 collective stowaways in 1997, 1,023 in 1998 and 770 in 1999.

2. Concerning the trafficking in women and children, the Japanese police dealt with 1,437 women foreign nationals involved in crimes relating to amusement business offences (prostitution offences, crimes of indecency, violations of the Amusement Business Law) in 1999. Of these, 617 were Korean nations, 331 Thai nationals, 184 Chinese nationals, 94 Columbian nationals. Brokers arrange the illegal entry of the women by using every possible technique such as forgery of passports, etc. and they loan them millions of yen and deprive them of their passports in order to prevent runaways. It became obvious that Japanese brokers connecting with brokers in the countries of origin are behind the trafficking in women and children. Almost all of them enter Japan with temporary visitor status or with the status of entertainer, or entered illegally and were illegally employed as prostitutes or hostesses in bars. Some were brought into the country by smuggling organizations and others not, but there are 104 women foreign nationals who borrowed money from smuggling organizations.

II. MEASURES AGAINST SMUGGLING OF AND TRAFFICKING IN PERSONS - RELEVANT LEGISLATION

A. Outline of the Law on Control and Improvement of Amusement Business

3. Concerning the prostitution offences involving recent amusement businesses such as snack bars, women foreign nationals working there were, in fact, forced to prostitute themselves due to a large amount of debt and deprivation of their passports. Japan amended the Law in April 1998 and provided the following measures from the viewpoint of the protection of foreign women:

(a) Additional causes for refusal of licence. A person who was imprisoned with labour for not more than one year from the crime of assisting illegal employment should not be given a licence for an amusement business for five years;

(b) Reinforced monitoring, in order to prohibit owners or managers of businesses serving food, drink, etc. for entertainment, store-type sex-related amusement business and businesses employing women on commission to entertain customers allowing their employees to accumulate a large amount of debt under the condition of immediate full refund when they leave the job, and from depriving them of their passports.

B. Law for punishing acts related to child prostitution and child pornography, and for protecting children

4. The Japanese Diet enacted the Law in May 1999 in order to protect the rights of children (under the age of 18 years) by prescribing punishment for acts related to child prostitution and child pornography, and by establishing measures including the giving of appropriate protection to children who have suffered physically and/or mentally from the said acts, in light of the fact that sexual exploitation and sexual abuse of children seriously infringe upon the human rights of children. The major punishments are as follows:

(a) Child prostitution - imprisonment with labour for not more than three years or a fine of not more than 1 million yen;

(b) Intermediation of child prostitution - imprisonment with labour for not more than three years or a fine not exceeding 3 million yen. In the case of child prostitution as a business, imprisonment with labour for not more than five years and a fine not exceeding 5 million yen;

(c) Distribution, sale, display in public, etc. of child pornography - imprisonment with labour for not more than three years or a fine not exceeding 3 million yen;

(d) Crimes of child prostitution and child pornography committed by Japanese nationals outside Japan shall be dealt with under article 3 of the Penal Code, which prescribes punishment for crimes commited by Japanese outside Japan.

5. Japanese police arrested 613 persons for child prostitution, etc. and 164 persons for distribution of child pornography and so on in 2000.

C. Amendment of Immigration Control and Refugee Recognition Act

6. The Immigration Control and Refugee Recognition Act was amended in 1997 to incorporate new penalties and necessary measures to severely punish those who assist and aid in stowaways, and this has had some effect. But illegal migrants still continued to flow into Japan, so the Act was amended again to be effective from 18 February 2000. The major amendments are as follows:

(a) Illegal stay has newly been criminalized. Any alien who has committed an illegal entry or landing into Japan and remains in Japan shall be subjected to punishment for the entire duration of the illegal stay, effective the date of the revised Act. Any individual who resides illegally in Japan shall be subjected to punishment under this new Act;

(b) The period of refusal of landing has been extended. Any alien who was deported from Japan due to illegal overstay or landing and the like cannot enter Japan for "a period of one year", however, after the amendments, any alien who was deported from Japan for the same reason will not be able to enter Japan for "a period of five years".

D. Law for Punishment of Organized Crime, Control of Criminal Proceeds and Other Matters, adopted in 1999

7. In order to control the proceeds of crime committed for the purpose of obtaining unlawful benefit, used for the maintenance or expansion of criminal organizations or further utilized for the commission of another crime and thus contributing to the increase of organized crime, this new law introduces various provisions such as extending the offences related to money laundering to many serious crimes, including assisting illegal employment of aliens, smuggling of stowaways in a group, assisting illegal entry, receiving of stowaways in a group and harbouring of aliens who have entered illegally for the purpose of profit, and allows other measures to be taken against those proceeds, such as their confiscation.

E. Law Concerning Interception of Electronic Communications in Criminal Investigations, adopted in 1999

8. This law provides for measures to intercept electronic communications to investigate offences relating to drugs or firearms, smuggling of stowaways in a group and organized murder.

III. STRENGTHENING THE INVESTIGATION OF LAW ENFORCEMENT AGENCIES

9. Cooperation among law enforcement agencies (Japan Police Agency, Immigration Bureau and Maritime Safety Agency) has been reinforced and joint operations promoted.

10. Cooperation and joint operations with the law enforcement agencies of countries of origin have also been promoted.

11. A meeting of security-related officials was held between Japan and China based on the agreement reached at the two-country summit. It succeeded in promoting the establishment of a cooperative relationship between the police agencies of the two countries. In a joint operation with the Hong Kong police authorities in 1997, and the Canton and Hong Kong police authorities in 1998, members of Chinese smuggling gangs were arrested.

12. A successful example of arresting members of an organization that trafficked Thai women was the following. An immigration control officer of Narita Airport found Thai women trying to enter Japan with forged passports and detained them in April 1998. Then Japanese police, in cooperation with Thai police, arrested six Japanese brokers (two leaders living in Thailand, two persons transporting women to Japan and two procurers) of trafficking organizations for the offences of assisting in illegal employment and assisting in illegal entry. They also arrested eight Japanese managers of amusement businesses for prostitution offences,

etc. Two Thai brokers are still wanted. Over 20 trafficked Thai women were found in this case and almost all of them were in debt for about 4 million yen for their illegal entry. This case, which included four children, was one of the most well organized and serious crimes that the Japanese police have successfully concluded.

IV. EXAMPLES OF JAPANESE INITIATIVES

A. Asia-Pacific Symposium on Trafficking in Persons

13. The Ministry of Foreign Affairs, in cooperation with the Japan Police Agency and the Ministry of Justice, held the Symposium in Tokyo on 20 January 2000. The primary objective of the Symposium was to deepen the understanding of the participants from Japan and other countries in the Asian-Pacific region of the actions being taken by the international community. They discussed the present situation, the measures against trafficking and the protection of victims. There were over 100 participants from around 20 countries, mainly of the Asian-Pacific region, embassies and offices of international organizations in Tokyo, and government officials, intellectuals, NGOs and the press.

B. Seminar on Prevention of Passport Forgery

14. Japan has held this seminar once a year since 1997, inviting director-level officials of the passport issuing authorities of China, Indonesia, the Republic of Korea, Malaysia, the Philippines, Singapore and Thailand.

C. Seminar on Immigration Control

15. Japan has held this seminar once a year since 1987, inviting representatives of the immigration authorities of those countries/regions in the Asian-Pacific region to exchange information or views on the current trends of migration.

D. Seminar on Document Examination

16. Japan has held this seminar annually since 1995, inviting specialists on travel document examination from the Asian-Pacific region to exchange information on fraud techniques and show how to use identification machines for document examination.

17. Japan is providing machines and dispatching experts on criminal investigation to developing countries as a part of official development assistance.

Latvia

[Original: English]
[19 April 2001]

1. To preclude the possibility of any contemporary form of slavery in the Republic of Latvia, increased attention is focused on this topic in the aspect of both international rights and national legislation.

2. The following international treaties pertaining to the above-mentioned issue are in force in the Republic of Latvia:

Universal Declaration of Human Rights of 10 December 1948 (in force as of 24 March 1992);

Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949 (in force as of 13 July 1992);

European Convention of Human Rights of 4 November 1950 (in force as of 27 June 1997);

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956 (in force as of 14 April 1992)

and other international acts on human rights.

3. The following national legislative provisions pertaining to the above-mentioned issues are in force in the Republic of Latvia;

Article 106 of the Constitution of the Republic of Latvia which prohibits employment by force;

The criminal law includes provisions that indirectly imply criminal responsibility for slavery (article 164 "Compulsion to Prostitute", article 165 "Trafficking of Persons for Sexual Exploitation").

4. It is intended to incorporate a new article, "Trafficking of People", into the Criminal Law which would provide for criminal responsibility for trafficking of people for exploitation purposes, i.e. for the purpose of engaging the person in prostitution or other sex work, compulsory work or services, slavery or slavery-like practices, servitude, or using the person as a donor of organs.

5. Consultations are taking place between Latvian and Danish experts on the return of Latvian women engaging in prostitution abroad, on special measures and social services pertaining to their rehabilitation and, in case of need, provision of a temporary place of residence. The intention is also to use the potential of public organizations in the rehabilitation of victims of sexual exploitation and their social integration.

Russian Federation

[Original: Russian]
[25 January 2001]

1. The Russian Federation is a party to the Convention on the Rights of the Child and to International Labour Organization Conventions No. 29 (Convention concerning Forced Labour) and No. 138 (Convention concerning Minimum Age for Admission to Employment). It is at present contemplating ratification of ILO Convention No. 182 (Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour).

2. The Constitution of the Federation includes a clause banning forced labour which covers all citizens, including children. The provision is supplemented by special legislation regulating child labour. It is based on recognition of the right of the child to be protected against doing any work that may be prejudicial to its health, harm its physical, mental, spiritual or moral development, or impede its gaining an education.

3. The State is taking measures to counter the exploitation of children and adolescents and their use on work that endangers their physical and moral health and hinders them in obtaining an education and so forth. The fundamentals of legislation of the Russian Federation on labour protection, adopted in 1993, established general and special standards (the latter applying to young people) protecting labour and guaranteeing labour safety. Amendments to the Labour Code in 1995 extended the rights of juveniles in the sphere of employment and brought the regulation of their labour safety closer to world standards. Provisions governing these matters are also included in the Education Act of the Russian Federation and in other legislation.

4. The Labour Code of the Russian Federation prohibits use of the labour of anyone less than 18 years old on work that is dangerous or harmful to the physical health of the child, or that may harm its moral development or impede its gaining an education. The schedule of kinds of work on which the employment of juvenile labour is prohibited was extended in 1995. In addition to work underground and heavy work under harmful and dangerous working conditions, the list includes work that may have a pernicious effect on the moral development of an adolescent (gaming, cabarets and nightclubs; the production, transport and sale of spirits, tobacco products, narcotics and toxic chemicals).

5. The minimum age for engagement in employment is set by labour legislation at 15 years. Juveniles may be engaged for temporary work from the age of 14 in preparation for productive work and for adaptation to market conditions, provided that so doing does not interfere with their education and is approved by their parents or guardians. Persons under 18 are treated as adults but have certain privileges in the sphere of labour protection, the number of hours worked, holidays and some other working conditions.

6. Juveniles must undergo a preliminary medical examination before being engaged for work and must thereafter undergo annual compulsory medical check-ups until the age of 18. The cost of the medical examinations is borne by the employer.

7. The length of the working week is limited, for workers under the age of 18, to no more than 36 hours between the ages of 16 and 18, and to 24 hours for workers between the ages of 15 and 16 and for 14- and 15-year-old working during the school holidays. The hours worked by pupils in their free time during the school year must not exceed half the norm laid down for persons of the corresponding age. The amount of annual paid leave for workers aged under 18 is set at no less than 31 calendar days; for workers over the age of 18 it is set at 24 working days calculated on the six-day working week.

8. The new Labour Code lays down punishments of up to two years' imprisonment for violations of labour protection rules, including those designed to protect the health of minors hired to work at any enterprise (State, municipal, private etc.).

9. A system of job quotas has been introduced to facilitate the job placement of school leavers from general schools and from primary and secondary special education, thereby affording a stronger guarantee of juveniles' right to work. Persons under 18 years of age, in special need of social protection and experiencing difficulty in finding work (orphans, former inmates of children's homes, children deprived of parental care etc.) are entitled to priority in job applications. Refusal of employment under the quota system may be appealed before the courts. If the refusal is found to be unwarranted, proceedings may be brought against the employer.

10. Juveniles in employment enjoy special benefits as regards payment. Those employed full-time receive the same pay for their reduced working day as workers in the corresponding categories get for a full working day.

11. Steps have been taken to reduce unpaid work by juveniles. The 1996 Education Act prohibits the engagement of pupils in work not covered by their educational curriculum without their and their parents' consent.

12. Compliance with these provisions of labour law as they relate to minors is verified by special bodies. State supervision and control is carried out by the State Labour Inspectorate of the Ministry of Labour and Social Development, which is entitled to impose administrative penalties on employers who infringe juveniles' labour rights or to forward information about them so that criminal charges can be brought. Compliance with juveniles' labour rights is also checked by district commission on juvenile affairs. Overall supervision of compliance with labour legislation, including provisions to protect juveniles from economic exploitation, is conducted by the Office of the Procurator, which carries out regular checks. The results are widely publicized, discussed at seminars by labour protection staff and in committees and commissions at the oblast, territorial and national-level executive authorities, and embodied in directives aimed at improving working conditions for juveniles.

13. New, special programmes, including programmes run by local employment authorities, are being carried out to address the problem of job placement for adolescents while complying with all legislative requirements and preventing economic exploitation. A temporary adolescent employment programme which has been in operation since 1995 helps to provide juveniles with temporary employment both during the school holidays and in time not occupied by studies throughout the school year. Under a "work experience" programme, 2,000 or so minors aged 16 and upwards are found permanent jobs every year.

II. INFORMATION RECEIVED FROM UNITED NATIONS ORGANS AND BODIES

Food and Agriculture Organization of the United Nations

[Original: English]
[22 February 2001]

1. Inequitable access to land and other resources, along with a lack of legal protection and political will, can allow the exploitation of the landless and other vulnerable and disadvantaged members of society through bonded labour and debt bondage. Feudalistic land tenure practices result in people being trapped into bondage, with rich landowners at times falsely accusing labourers of having taken out loans. Slavery can also occur in pastoral and nomadic tenure systems.

2. The promotion of more equitable access to land and other natural and economic resources is crucial for the eradication of debt bondage. Land reform and land tenure reform can thus play an important role in the rehabilitation and reintegration of victims but unless reforms are sustainable, disasters such as extended droughts, illness, etc. will drive beneficiaries back into debt. Eradication of bonded labour also requires more effective enforcement of legislation to prevent exploitation of tenants and farm labourers and greater education of labourers about their rights. Since cultural practices as well as poverty perpetuate debt bondage, these actions must be accompanied by broader societal reforms.

3. FAO, through the Land Tenure Service of its Rural Development Division, stands ready to contribute to a seminar or a workshop to determine the best practices for the eradication of debt bondage, should one be organized by the International Labour Organization.

International Labour Office

[Original: English]
[12 April 2001]

1. The ILO referred to the Report of the Committee of Experts on the Application of Conventions and Recommendations, submitted to the 89th session of the International Labour Conference, 2001.

2. In paragraphs 72 to 81 of its General Report, the Committee deals specifically with the problem of trafficking in persons. It also formulated a general observation concerning this subject under the Forced Labour Convention, 1930 (No. 29), intended to elicit information from all States bound by the Convention on measures taken or contemplated to ensure that, in practice, those responsible for trafficking in persons can and will indeed be strictly punished, and that trafficking in persons is really suppressed.

3. The Committee also addressed the issues of debt bondage, prostitution and sexual exploitation of children, child servitude, and trafficking of women and children, as well as

various forms of slavery and slavery-like practices in its observations concerning particular countries which have ratified Convention No. 29 (such as India, Sri Lanka, the Sudan and Thailand).

III. INFORMATION RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

Pax Christi International

[Original: English]
[2 January 2001]

Pax Christi International provided a brief summary of two documents entitled, respectively, "The social and economic dimension of migration in Europe" and "Humane migrant labour-make it work!" The first document discusses demographic and economic issues in relation to migrant labour in the European Union and the second is a booklet published in 1999 which contains various concerns and recommendations on the issue of migrant labour, as well as a brief summary of the problems and challenges in developing an ethical framework of justice and solidarity in the context of migrant labour. The documents are available for consultation with the secretariat.

Save the Children

[Original: English]
[25 April 2001]

1. Trafficking in Women - Save the Children, the International Organization for Migration (IOM) and the International Catholic Migration Commission (ICMC) have conducted new research into the trafficking of women and children from and through Albania into Western Europe. Both reports demonstrate that Albania plays a major role in the ever-growing trafficking trade and little has been done in the country to address the situation.

2. The report, "Child Trafficking in Albania", is the first detailed study of the trafficking of under-18-year olds (and also women) from Albania. The report concludes that thousands of women and children have been tricked or abducted and forced to work as prostitutes abroad. It was also found that this recruitment still occurs on a daily basis. The report contains important up-to-date research on recruitment methods and routes and trafficking hot-spot areas. It also identifies the at-risk groups that could become victims of trafficking and makes recommendations for public awareness and prevention programmes.

3. The report reveals egregious abuses of Albanian children's rights due to trafficking and fear of being trafficked. According to the report, at least 60 per cent of Albanians trafficked for prostitution are children, though the number in some areas is as high as 80 per cent. Of those trafficked, almost 60 percent are tricked into prostitution, while 35 per cent are abducted. Furthermore, up to 90 per cent of girls over the age of 14 no longer attend school in some rural areas due to fear of being trafficked.

4. The report sheds new light on the levels of violence and sexual exploitation suffered by the victims. It is based on the testimonies of 125 women who were assisted last year by IOM and ICMC. It states that 73 per cent of the victims, most of them Moldovans or Romanians, were tricked by traffickers into believing they were going to Europe to get jobs as waitresses, nannies or au pairs. The report says that 18 per cent of the victims had been kidnapped and 32 per cent had been raped and beaten into submission. A further 73 per cent said they suffered intimidation and confinement.

5. The report also reveals that women were "traded" several times on their way to Europe, with prices increasing at each "transaction". According to the report, 93 per cent of the women trafficked in Albania transited through Montenegro before entering Albania via the northern town of Shkodra. The report notes that in 10 percent of the cases, the local Albanian police was directly involved.

6. Save the Children, IOM and ICMC believe the evidence in the report demonstrates that trafficking in and through Albania of women and children remains a very major and disturbing problem and despite the efforts of the Albanian authorities, traffickers continue to operate with virtual impunity. All three organizations call on the Government of Albania and international bodies to consider the evidence and take the necessary steps to deal with this serious and barbaric situation.